

COPYRIGHTS

*Exchange of notes at Washington October 21, 1948, with texts of
proclamations
Entered into force October 21, 1948*

62 Stat. 2996; Treaties and Other
International Acts Series 1840

The Philippine Ambassador to the Acting Secretary of State

EMBASSY OF THE PHILIPPINES

WASHINGTON

October 21, 1948

EXCELLENCY:

In accordance with instructions from my Government, I have the honor to invite your attention to section 10(b) of the Philippine Copyright Law (Act No. 3134 of the Philippine Legislature) under which, as amended by Republic Act No. 76, the benefits of the aforementioned Act No. 3134 may be extended to the work of a proprietor who is not a citizen of the Philippines only when the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the Philippines the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under that Act.

Since section 10(b) of the Philippine Copyright Law is similar to paragraph (b), section 9 of Title 17 of the United States Code, codified and enacted into positive law by the Act of Congress, approved July 30, 1947 (61 Stat. 652), it is the desire of my Government to enter into reciprocal copyright relations with the Government of the United States of America whereby the benefits of the copyright laws of our respective countries are extended to the citizens of the other country.

With a view to assuring the Government of the United States of America of reciprocal benefits for authors and proprietors of the United States, the President of the Republic of the Philippines has issued a proclamation, a copy of which is enclosed herewith, proclaiming that citizens of the United States are entitled on and after this date to obtain copyright for their works in the Republic of the Philippines, including rights similar to those provided

by section 1(e) of the above-mentioned Title 17 of the United States Code. This proclamation comes into effect today, the date on which it is understood that the President of the United States of America shall proclaim that citizens of the Republic of the Philippines are entitled to all the benefits of the aforementioned Title 17 of the United States Code, including the provisions of section 1(e) thereof, but excepting the provisions embodied in the second paragraph of section 9(b) of that Title regarding the extension of time for fulfilling copyright conditions and formalities.

The Government of the Republic of the Philippines is prepared, if this proposal is acceptable to the Government of the United States of America, to regard the present note and Your Excellency's reply to the same effect as establishing reciprocal copyright relations between the two Governments on this day.

Accept, Excellency, the renewed assurances of my distinguished consideration.

J. M. ELIZALDE

Enclosure:

Copy of Proclamation

His Excellency

ROBERT A. LOVETT

Acting Secretary of State

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION No. 99

EXTENDING COPYRIGHT PRIVILEGES AND PROTECTION TO CITIZENS OF THE
UNITED STATES

WHEREAS, it is provided by an Act of the Philippine Legislature, Act No. 3134, entitled "An Act to Protect Intellectual Property", otherwise known as the Copyright Law of the Philippines, approved March 6, 1924, as amended by Republic Act No. 76, approved October 21, 1946, that the copyright secured by the Act shall extend to the work of a proprietor, who is not a citizen of the Philippines, only upon certain conditions set forth in Section 10 of the Act, to wit:

"(a) When an alien proprietor shall be domiciled within the Philippine Islands at the time he makes application for copyright; or

"(b) When the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of (the United States or of) the Philippine Islands the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under this Act; or

"(c) When such foreign state or nation is a party to an international

agreement which provides for reciprocity in the granting of copyright and that (the United States or) the Philippine Islands may become a party thereto."

WHEREAS, the Act of Congress, approved July 30, 1947, (61 Stat. 652) entitled "An Act to Codify and Enact into Positive Law Title 17 of the United States Code, 'Copyright' ", provides that the copyright secured by the said Act and the benefits under Section 1 (e) thereof, as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in Section 9 of the Act, to wit:

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto."

WHEREAS, satisfactory official assurances have been received that, on and after October 21, 1948, pursuant to the aforementioned Act of Congress, approved July 30, 1947, (61 Stat. 652), citizens of the Philippines are entitled to obtain copyright protection for their works in the United States which is substantially equal to the protection afforded by the copyright laws of the Philippines and which is afforded on substantially the same basis as to the citizens of the United States;

NOW, THEREFORE, I, ELPIDIO QUIRINO, President of the Philippines, do hereby declare and proclaim:

That on and after October 21, 1948, the conditions specified in section 10 (b) of the aforementioned Act No. 3134 of the Philippine Legislature of March 6, 1924, do exist and are fulfilled in respect of the citizens of the United States and that on and after October 21, 1948, citizens of the United States shall be entitled to all the benefits of the said Act;

Provided, That the enjoyment by any work of the rights and benefits conferred by the said Act shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the Philippines.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 21st day of October, in the year of Our Lord, nineteen hundred and forty-eight, and of the Independence of the Philippines, the third.

[SEAL]

ELPIDIO QUIRINO
President of the Philippines

By the President:

EMILIO ABELLO
Executive Secretary

The Acting Secretary of State to the Philippine Ambassador

DEPARTMENT OF STATE
WASHINGTON
October 21, 1948

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date in which you refer to section 10(b) of the Philippine Copyright Law (Act No. 3134 of the Philippine Legislature) under which, as amended by Republic Act No. 76, the benefits of the aforementioned Act No. 3134 may be extended to the work of a proprietor who is not a citizen of the Philippines only when the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the Philippines the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under that Act.

You express the desire of the Government of the Republic of the Philippines, since section 10(b) of the Philippine Copyright Law is similar to paragraph (b), section 9 of Title 17 of the United States Code, codified and enacted into positive law by the Act of Congress approved July 30, 1947 (61 Stat. 652), to enter into reciprocal copyright relations with the Government of the United States of America whereby the benefits of the copyright laws of our respective countries are extended to the citizens of the other country.

You add that with a view to assuring the Government of the United States of America of reciprocal benefits for authors and proprietors of the United States, the President of the Republic of the Philippines has issued a proclamation, a copy of which accompanies your note under acknowledgment, proclaiming that citizens of the United States are entitled on and after this date to obtain copyright for their works in the Republic of the Philippines, including rights similar to those provided by section 1(e) of the aforementioned Title 17 of the United States Code.

You state that this proclamation comes into effect today, the date on which it is understood that the President of the United States of America shall proclaim that citizens of the Republic of the Philippines are entitled to

all the benefits of the aforementioned Title 17 of the United States Code, including the provisions of section 1(e) thereof, but excepting the provisions embodied in the second paragraph of section 9(b) of that Title regarding the extension of time for fulfilling copyright conditions and formalities.

You further state that the Government of the Republic of the Philippines is prepared, if this proposal should be accepted by the Government of the United States of America, to regard the note under acknowledgment and this Government's reply thereto to that effect as establishing reciprocal copyright relations between the two Governments on this day.

I have the honor to inform you that, with a view to giving effect to the commitment proposed in the note under acknowledgment, the President of the United States of America has issued today a proclamation, a copy of which is enclosed herewith, declaring and proclaiming, pursuant to the provisions of section 9 of the aforesaid Title 17 of the United States Code, on the basis of the assurances set forth in your note and the proclamation enclosed therewith, that on and after October 21, 1948, the conditions specified in sections 9(b) and 1(e) of the aforementioned Title 17 of the United States Code will exist and will be fulfilled in respect of citizens of the Republic of the Philippines and that on and after October 21, 1948, citizens of the Republic of the Philippines shall be entitled to all the benefits of the said Title 17, but excepting the provisions embodied in the second paragraph of section 9(b) of that Title regarding the extension of time for fulfilling copyright conditions and formalities. The proclamation imposes the conditions that (1) the enjoyment by any work of the rights and benefits conferred by the said Title 17 shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright law of the United States, and (2) the provisions of section 1(e) of the said Title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published after July 1, 1909, and which have been reproduced for use on any contrivance by means of which the work may be mechanically performed.

The Government of the United States of America accordingly considers that reciprocal copyright relations have been established between the Republic of the Philippines and the United States of America and are in force as of today's date.

Accept, Excellency the renewed assurances of my highest consideration.

ROBERT A. LOVETT
Acting Secretary of State

Enclosure:

Copy of proclamation.

His Excellency

JOAQUIN M. ELIZALDE

Ambassador of the Philippines

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Title 17 of the United States Code, entitled "Copyrights", has been codified and enacted into positive law by the act of Congress approved July 30, 1947, 61 Stat. 652;

WHEREAS section 9 of the said Title 17 provides in part that the copyright secured by such title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

"(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

"(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.";

WHEREAS section 1 of the said Title 17 provides in part as follows:

"Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

"(c) To perform the copyrighted work publicly for profit if it be a musical composition; . . . *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.";

WHEREAS section 9 of the said title further provides that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require.";

WHEREAS the Philippine Copyright Law, No. 3134, approved March 6, 1924, provides by section 10 (b) that the provisions of the said law shall extend to the work of a proprietor who is not a citizen of the Republic of the Philippines only:

“When the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States or of the Philippine Islands the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under this act;”;

WHEREAS in Republic Act No. 76, approved October 21, 1946, it is provided by section 1 that:

“Existing laws or the provisions of existing laws granting privileges, rights or exemptions to citizens of the United States of America or to corporations or associations organized under the laws of any of the states of the United States of America, which are not enjoyed by citizens or nationals of any other foreign state or by corporations or associations organized under the laws of such state, are hereby repealed unless they affect rights already vested under the provisions of the Constitution or unless extended by any treaty, agreement or convention between the Republic of the Philippines and the United States of America.”;

AND WHEREAS satisfactory official assurances have been received that on and after October 21, 1948, pursuant to the aforementioned Law No. 3134, as amended by the aforesaid Republic Act No. 76, citizens of the United States will be entitled to obtain copyright protection for their works in the Republic of the Philippines which is substantially equal to the protection afforded by the copyright laws of the United States and which is afforded on substantially the same basis as to the citizens of the Republic of the Philippines, including rights similar to those provided by section 1 (e) of the said Title 17 of the United States Code:

Now, THEREFORE, I, Harry S. Truman, President of the United States of America, do declare and proclaim:

That on and after October 21, 1948, the conditions specified in sections 9 (b) and 1 (e) of the aforementioned Title 17 of the United States Code will exist and will be fulfilled in respect of the citizens of the Republic of the Philippines, and that on and after October 21, 1948, citizens of the Republic of the Philippines shall be entitled to all the benefits of the said Title 17 except those conferred by the provisions embodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

Provided, that the enjoyment by any work of the rights and benefits conferred by the said Title 17 shall be conditioned upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States:

And provided further, that the provisions of section 1 (e) of the said Title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions

published and copyrighted after July 1, 1909, and reproduced for use on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of October in the year of our Lord nineteen hundred and forty-eight, and of the Independence [SEAL] of the United States of America the one hundred and seventy-third.

HARRY S TRUMAN

By the President:

ROBERT A. LOVETT
Acting Secretary of State